



1744  
ZFW

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:	Robert K. Wagstaff	)
		)
Application No.:	10/027,480	)
		)
Filed:	December 21, 2001	)
		)
For:	TONGUE CLEANING DEVICE	)
		)
Examiner:	Shay L. Balsis	)
		)
Art Unit:	1744	)
		)
Attorney Docket:	03756.001/5073 P	)

**RESPONSE TO NOTICE OF  
NON-COMPLIANT AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Honorable Commissioner:

In response to the Notice of Non-Compliant Amendment mailed on April 8, 2004, Applicant submits this Response providing a corrected submission of the Claims. A copy of the Notice of Non-Compliant Amendment is also enclosed. Applicant considers this Response to be mailed timely (within one month of the date of the Notice of Non-Compliant Amendment) because May 8, 2004, was a Saturday, thus allowing mailing on the first following Monday, i.e. May 10, 2004.

**Amendments**

Amendments to the Claims begin on page 2 of this paper.

Remarks begin on page 11 of this paper.



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Robert K. Wagstaff )  
Application No.: 10/027,480 )  
Filed: December 21, 2001 )  
For: TONGUE CLEANING DEVICE )  
Examiner: Shay L. Balsis )  
Art Unit: 1744 )  
Attorney Docket: 03756.001/5073 P )

**CERTIFICATE OF MAILING**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Honorable Commissioner:

I hereby certify that the attached Response is being submitted via First Class Mail with the United States Postal Service in an envelope with sufficient postage on March 18, 2004, the envelope being addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia 22313-1450.

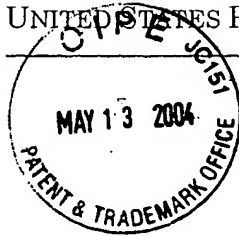
DATED this 10th day of May, 2004.

Respectfully submitted,

Alison B. Mohr, Reg. No. 48,170 for  
Daniel P. McCarthy  
Registration Number 36,600  
PARSONS BEHLE & LATIMER  
One Utah Center  
201 South Main Street, Suite 1800  
Post Office Box 45898  
Salt Lake City, Utah 84145-0898  
(801) 532-1234



UNITED STATES PATENT AND TRADEMARK OFFICE



10/027480

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. Box 1450  
ALEXANDRIA, VA 22313-1450  
www.uspto.gov

Paper No.

### Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 3-22-04 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 Fed. Reg. 38611, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following item(s) is required. **Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted.** 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
  - ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_
- ☐ 2. Abstract:
  - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_
- ☐ 3. Amendments to the drawings: \_\_\_\_\_
- ☐ 4. Amendments to the claims:
  - ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all claims (including withdrawn claims)
  - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☒ E. Other: Newly amended is not a proper status identifier, it should read currently amended.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given ONE MONTH from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH time limit is not extendable**.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a **TIME PERIOD** of ONE MONTH from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

Delicia Allen  
Legal Instruments Examiner (LIE)

571 272 0986  
Telephone No.